

PATENT

Atty. Docket: 2864 US (203-3484 PCT US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Primavera et al. Examiner: Phong Son H Dang

Serial No.: 10/529,567 Group: Art Unit 4166

Filed: March 28, 2005 Dated: July 7, 2008

For: **SURGICAL SUTURING APPARATUS AND
MEASUREMENT STRUCTURE**

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Sir:

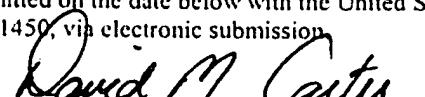
In response to the Office Action dated June 16, 20008, election of one of the following inventions was required:

Group I, claim(s) 1-16, 22, drawn to a surgical instrument for manipulating a needle and suture comprising an elongated member, a scale, classified in class 606, subclass 144.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being transmitted on the date below with the United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, via electronic submission.

Dated: July 7, 2008



David M. Carter
David M. Carter

Group II, claim(s) 17-18, drawn to a kit to assist manipulation of a suture with an elongate instrument comprising a scale and a template, classified in 606, subclass 146.

Group III, claim(s) 19-21, drawn to a method of manipulating a suture, classified in class 128, subclass 898.

Applicants hereby elect without traverse to prosecute Group I encompassing Claims 1-16 and 22.

In the Office Action, election of one of the following species was required:

| | | |
|--------------------|----------|--------------------|
| Species I | - | Figures 1-7 |
| Species II | - | Figure 8 |
| Species III | - | Figure 9 |
| Species IV | - | Figure 10 |

Applicants respectfully submit that FIGS. 8 and 9 embody the same instrument and therefore comprise a single Species. Reconsideration of the election Species is requested. However, to further prosecution on the merits Applicants hereby elect to prosecute Species 1 shown in Figures 1-7.

Applicants acknowledge that the Examiner has deemed Claims 1 and 2 as being generic. Upon the allowance of a generic claim, Applicants request consideration of all claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141.